

REMARKS/ARGUMENTS

This paper is submitted in response to the Office Action mailed September 13, 2006. At that time, claims 1-30 were pending in the application. Claims 31-34 had previously been withdrawn in response to a restriction requirement. In the Office Action, the Examiner objected to the specification. The Examiner also rejected claims 1, 4, 6-17, and 27-29 under 35 U.S.C. § 102(b) as being anticipated by XP 007121366 to an anonymous entity (hereinafter referred as the “’366 document”). Claim 30 was rejected under 35 U.S.C. § 102(b) as being anticipated by JP2000211465 to Yu et al (hereinafter “Yu”). Claims 2-3, 5, and 18-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ’366 document in view of Yu.

By this paper, Applicant respectfully responds to the issues raised by the Examiner. Specifically, claim 11 has been canceled and independent claims 1, 16 and 30 have been amended. Favorable consideration and allowance of the claims is respectfully requested.

I. Objection to the Specification

The Examiner objected to the Specification on grounds that the Abstract improperly used the words “is disclosed.” In response to this objection, the Abstract has been amended to address this issue. Withdrawal of this objection is respectfully requested.

II. Rejection of Claims 1, 4, 6-17, and 27-29 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1, 4, 6-17, and 27-29 under § 102(b) as being anticipated by the ’366 document. Applicants respectfully traverse this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to

have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

With respect to independent claims 1 and 16, these claims have been amended to recite that crimped tabs are “added to a proximal end and a distal end of the sleeve, wherein the crimped tabs are folded inward to hold the inflator within the sleeve during deployment.” Support for this claim language is found in the specification including at paragraphs [052]-[055] and in Figures 2A and 2B. This claim language is not taught by the ‘366 document. Specifically, the ‘366 document teaches that an inflator is “inserted into the diffuser 10 and secured therein by crimping the terminal ends of the diffuser 10 over the inflator.” ‘366 document, p. 2, lines 10-13. However, to the extent that the ‘366 document teaches crimped ends, there is no disclosure that crimped tabs are added to the proximal and distal end of the sleeve, or that these tabs are the feature that is folded inward to hold the inflator during deployment. Accordingly, because the ‘366 document does not disclose crimped tabs that are folded inward to hold the inflator in the proper position, this reference cannot be used to anticipate the present claims under § 102(b). Withdrawal of this rejection is respectfully requested.

With respect to dependent claims 4, 6-10, and 12-15, these claims depend, either directly or indirectly, from independent claim 1. With respect to dependent claims 17 and 27-29, these claims depend, either directly or indirectly, from independent claim 16. Accordingly, dependent claims 4, 6-10, 12-15, 17, and 27-29 are patentable over the ‘366 document for the reasons set forth above in conjunction with independent claims 1 and 16. Withdrawal of this rejection is respectfully requested.

III. Rejection of Claim 30 Stands Under 35 U.S.C. § 102(b)

Claim 30 was rejected under 35 U.S.C. § 102(b) as being anticipated by Yu. This rejection is respectfully traversed. As noted above, a claim can only be rejected under § 102(b) if each and every claim element is found in the cited reference. *See* MPEP § 2142. As a result of this paper, claim 30 has been amended to recite “crimped tabs being added to a proximal end and a distal end of the sleeve, wherein the crimped tabs are folded inward to hold the inflator

within the sleeve during deployment.” Such a claim element is not disclosed by Yu. For this reason, Yu cannot anticipate this claim under § 102(b). Withdrawal of this rejection is respectfully requested.

IV. Rejection of Claim 2-3, 5, and 18-26 Under 35 U.S.C. § 103(a)

The Examiner rejected dependent claims 2-3, 5, and 18-26 under §103(a) as being unpatentable over the ‘366 document in view of Yu. This rejection is respectfully traversed .

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.


Applicants respectfully submit that such dependent claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the elements in these claims. Specifically, dependent claims 2, 3, and 5 depend from independent claim 1. Accordingly, these dependent claims require crimped tabs “added to a proximal end and a distal end of the sleeve, wherein the crimped tabs are folded inward to hold the inflator within the sleeve during deployment.” Likewise, dependent claims 18-26 depend from independent claim 16. Accordingly, these dependent claims also require crimped tabs “added to a proximal end and a distal end of the sleeve, wherein the crimped tabs are folded inward to hold the inflator within the sleeve during deployment.”

As noted above, these claim elements regarding crimped tabs positioned on a proximal and distal end of the sleeve are not taught or suggested by either the '366 document or Yu. Therefore, because these cited references fail to teach or suggest all of the elements that are found in claims 2, 3, 5, and 18-26, this combination of reference cannot be used to reject these dependent claims under § 103(a). Withdrawal of these rejections is respectfully requested.

V. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,


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